

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTOPHER JOHN JURCAGO,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CASE NO. 5:23-cv-01187

OPINION & ORDER
[Resolving Doc. 1]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Christopher John Jurcago seeks judicial review of the Social Security Administration Commissioner's final decision denying his application for Disability Insurance Benefits ("DIB").¹

On May 2, 2024, Magistrate Judge Jennifer Dowell Armstrong issued a Report and Recommendation ("R&R") recommending that the Court vacate and remand the Commissioner's final decision for further proceedings.² Magistrate Judge Armstrong found that the ALJ did not properly evaluate Plaintiff Jurcago's diabetes with peripheral neuropathy at Step Three of the disability evaluation process.³ Magistrate Judge Armstrong recommended that Jurcago's case be remanded in order to provide the ALJ an opportunity to properly evaluate evidence of Jurcago's diabetes with peripheral neuropathy.⁴

¹ Doc. 1. Plaintiff and Defendant filed merits briefs. Docs. 6, 8.

² Doc. 9.

³ *Id.* at PageID #: 1874.

⁴ *Id.* at PageID #: 1888.

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Judge Armstrong ordered that objections to the R&R were due by May 16, 2024.⁵

Neither party objected to the R&R.

The Federal Magistrates Act requires district courts to conduct a *de novo* review of only objected-to portions of an R&R.⁶ Absent objection, district courts may adopt an R&R without review.⁷ Defendant did not object to the R&R, and this Court may adopt Magistrate Judge Armstrong's R&R without further review.

Accordingly, the Court **ADOPTS** Magistrate Judge Armstrong's R&R. The Court **VACATES** and **REMANDS** the Commissioner's final decision for further proceedings consistent with this Order.

IT IS SO ORDERED.

Dated: May 30, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ *Id.* at PageID #: 1889.

⁶ 28 U.S.C. § 636(b)(1).

⁷ *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). Failure to timely object may waive a party's right to appeal the district court's order adopting the R&R. *Id.* at 155; *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).